

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

-against-

MEMORANDUM & ORDER
03-CR-0851-10 (JS)

LEDWIN CASTRO,

Defendant.

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APPEARANCES

For Defendant: Ledwin Castro, Pro Se
 Reg. No. 68721-053
 Federal Correctional Institution Schuylkill
 Inmate Mail/Parcels
 P.O. Box. 759
 Minersville, Pennsylvania 17954

For United States: No Appearance

SEYBERT, District Judge:

Presently before the Court is the letter motion of Defendant Ledwin Castro ("Defendant") requesting this Court forward its July 9, 2021 Memorandum and Order (hereafter, the "July 2021 M&O") that granted Defendant's motion for compassionate release, made pursuant to the First Step Act, 18 U.S.C. § 3582(c)(1)(A)(i), to the Bureau of Prisons (hereafter, the "Forward Request"). (See ECF No. 744.) The Forward Request is DENIED.

In granting Defendant's motion for compassionate release, this Court ordered, among other things: (1) Defendant's sentence of imprisonment be "reduced to a total of thirty (30) years and one (1) day;" (2) the Clerk of Court "issue an Amended

Judgment reflecting Defendant's reduced sentence in accordance with" the July 2021 M&O; and (3) "in all other respects, [that] the Court's January 12, 2010 Judgement (ECF No. 611) remains unchanged." (July 2021 M&O, ECF No. 741, at 22 (emphasis added).) Thus, an Amended Judgment entered on July 9, 2021. (See Am. J., ECF No. 743.) Of significance and in accordance with the July 2021 M&O, the Amended Judgment merely restated its original recommendation to the Bureau of Prisons "that the defendant receive credit for time already served in Federal custody from 2/10/2004 through 1/31/2006 and 8/29/2008 to the current date; and in State custody from 7/11/2003 to 2/10/2004 and 1/31/2006 through 8/29/2008." (Am. J., at 3; cf., Jan. 12, 2010 J., ECF No. 611, at 3 (making the same recommendation, verbatim).)

Now, Defendant asks the "Court to have its [M&O] forwarded to the Bureau of Prisons central office," explaining his "custody and classification is not reflecting the time credit recommended by this Court" and that he has "yet to receive the time credit recommended by the Court." (Forward Request at 1.) First, the Court observes that the time-credit recommendation restated in the 2021 Amended Judgment is more than ten years old, and there is no indication that Defendant sought time-credit earlier. Second, to the extent Defendant seeks time-credit based upon the Court's recommendation, the Federal Bureau of Prisons' Administrative Remedy Program is available to him. Said Program

allows an inmate to seek formal review of issues relating to any aspect of his/her own confinement. See FED. BUREAU OF PRISONS, U.S. DEP'T OF JUSTICE, PROGRAM STATEMENT No. 1330.18, ADMIN. REMEDY PROGRAM, 1(a) Purpose (Jan. 6, 2014), available at https://www.bop.gov/policy/progstat/1330_018.pdf. Filing a Form BP-9 begins the formal process of the Administrative Remedy Request; filing Form BP-10 begins the initial appeal process of the Administrative Remedy Request.

Thus, upon the record presented, the Court finds no basis for granting Defendant's Forward Request; accordingly, **IT IS ORDERED** that the Forward Request (ECF No. 744) is **DENIED**.

IT IS FURTHER ORDERED that the Clerk of Court is directed to serve Defendant with a copy of this Order, making the notation "LEGAL MAIL" on the mailing envelope.

SO ORDERED.

/s/ JOANNA SEYBERT
Joanna Seybert, U.S.D.J.

Dated: October 20, 2021
Central Islip, New York